

INTRODUCTION

On Friday, June 15, 2018, Movant Maurice Clifton invoked the Federal Rules of Civil Procedure, particularly Fed. R. Civ. P., - FRCP 60(b) to reopen this case to lawfully address the issue of fraud on the Court and the wanton and criminal infringement of defendant's suffering from plaintiff and officers of the Court, criminal infringement of his civil rights as strictly prohibited by the United States Constitution, and the First, Fifth, Sixth and Fourteenth Amendments (U.S.C.A., Amends., 1st, 5th, 6th, and 14th) as conceded for more than twenty-one (21) uninterrupted years as set forth herein.

It has been more than forty-five (45) days and the receiving party or offending party has not dignified this Honorable Court with a response, answer, objection or pleading in opposition to Movant's good faith motion as required by law. The offending party's failure to otherwise defend constitutes culpable misconduct and respondent's inaction constitutes action and entitlement for Movant's Judgment for affirmative relief as requested.

There has been no excusable neglect. "We must be mindful of the fact that the Federal Rules are meant to be applied in such a way as to promote justice." See, Fed. R. Civ. P.1; or Quoting: **Boyd v. Larson**, 2018 U.S. Dist. LEXIS, 25862 (Feb. 15, 2018).; The Respondent's failed to timely oppose motion or otherwise litigate this case.

SUMMARY ARGUMENT

The Clerk of the Court is without discretion and according to FRCP 55(a); 55(b)(1); or in the alternative 55(e) must enter its default for respondent's failure to proceed or otherwise defend. See for example: **Direct Mail Specialist, Inc., v. ECLAT Computerized Techs.,**

Inc., 840 F. 2d 685, 690 (9th Cir. 1988) (Quoting) Meadows v. Dominican Republic, 817 F. 2d 517 (9th Cir 1987).

Movant Maurice Clifton has satisfied all the requirements for entitled relief. The Respondent “has received actual or constructive notice of Movant’s filing of the action and failed to respond or answer. There has been no reason for Respondent’s delay or neglect. Accordingly, the moving party shall seek entry or judgment on the default under either subdivision (b)(1) or (b)(2) of the FRCP. See for example: **Dahl v. Kanawha Inv. Holding Co., 161 F.R.D. 673 (June 13, 1995) USDC-8th Cir.- Northern District of Iowa.**

Local Rules of the Court, W.D., Miss., LR 7.1(c); or in the alternative 7.6 patently states that the Clerk of the Court must enter its default because the plaintiff breached its affirmative duty to respond to Movant’s motion and further provides, in pertinent parts the following:

“14 days after service of Movant’s brief, any party opposing any motion shall file a brief in opposition.”


Well-settled law states that any party who fails to comply with this rule shall be deemed not to oppose such motion. See for example: **Williams v. Lebanon Farms Disposal, Inc., No. 09-1704, 2010 U.S. Dist. LEXIS 102436, 2010 WL 3703808, at *1 (M.D. PA August 26, 2010). (Quoting) Stackhouse v. Mazurkiewicz, 951 F. 2d 29, 30 (3rd Cir. 1991).**

There are no reasons in law, fact or equity for the Clerk of the Court not to grant Movant’s respectful request for entitled default order. No doubt remains as to the relief to

which Movant Maurice Clifton is entitled as a result of the Respondent's conceding default. Relief is more than absolute.

Wherefore, Movant Maurice Clifton, Non-attorney, Non-lawyer, *In Propria Persona* ("Pro Se"), very respectfully prays that the Clerk of Court shall enter its default in the above and foregoing captioned matter. God Bless this Honorable Court. God Bless America. God Shed Your Grace on Thee!

Respectfully Submitted,


Maurice Clifton, Defendant
USM# 10590-042 or 28332-077
Petitioner, Movant, *In Propria Persona*


Dated: July 30, 2018

Non-Attorney, Non-Lawyer
Defendant, Petitioner, Movant
In Propria Persona
Maurice Clifton
USM# 10590-042 or 28332-077
Forrest City Correctional Complex
Post Office Box 9000 (Low)
Forrest City, Arkansas 72336-9000

CERTIFICATE OF SERVICE

Maurice Clifton being first duly sworn and under oath states that he served this Notice on the following parties-in-interest along with all relevant attachments *via* first class mail, addressed as indicated, with proper postage prepaid and mailed from the U.S. Postal receptacle in the Wynne Unit C (*mail box rule applies*) building on Monday, July 30, 2018, before the hour of 4:00 p.m., Federal Correctional Complex, Forrest City, Arkansas 72336-9000.

Respectfully Submitted,

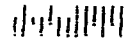

Maurice Clifton, Defendant
Non-Attorney, Non-Lawyer, Pro Se

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